

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

UNITED STATES OF AMERICA, :  
 :  
vs. : DOCKET NUMBER  
 : 1:16-CR-0237-AT-JSA-1  
JAMES G. MALONEY, :  
 : ATLANTA, GEORGIA  
DEFENDANT. : DECEMBER 17, 2018

**TRANSCRIPT OF SECTION 6 HEARING PROCEEDINGS**

**BEFORE THE HONORABLE JUSTIN S. ANAND**

**UNITED STATES MAGISTRATE JUDGE**

**PART I OF III**

APPEARANCES OF COUNSEL:

**FOR THE GOVERNMENT:**

JOHN RUSSELL PHILLIPS  
STEPHEN H. MCCLAIN  
UNITED STATES ATTORNEY'S OFFICE

**FOR THE DEFENDANT:**

CRAIG C. GILLEN  
ANTHONY C. LAKE  
GILLEN WITHERS & LAKE LLC

***MECHANICAL STENOGRAPHY OF PROCEEDINGS AND COMPUTER-AIDED  
TRANSCRIPT PRODUCED BY:***

**OFFICIAL COURT REPORTER:** **SHANNON R. WELCH, RMR, CRR**  
**2394 UNITED STATES COURTHOUSE**  
**75 TED TURNER DRIVE, SOUTHWEST**  
**ATLANTA, GEORGIA 30303**  
**(404) 215-1383**

**P R O C E E D I N G S**

**(Atlanta, Fulton County, Georgia; December 17, 2018.)**

THE COURT: Morning. This is the case of the United States vs. James Maloney, 1:16-CR-237. Representing the United States is Assistant U.S. Attorneys Russell Wilson {sic} and Steve McClain; and here for the defense, Craig Gillen and Anthony Lake.

Can y'all hear me okay?

MR. GILLEN: Yes.

THE COURT: Just as a reminder, the microphones have been disabled. So let me know if you can't hear me. I'm trying to speak a little bit louder. And try to speak a little bit more loudly than you might otherwise yourselves so that we can all hear. But I will also tell you if I can't hear.

We are here for a hearing under the Classified Information Procedures Act. And by the way, what I would like to do is spend one or two minutes talking on the public record before we go, quote-unquote, classified. So -- but we're here for a hearing on the various defendant's notices to -- of intent to use classified information and the defendant's responses thereto, which are functionally I'm treating as motions to introduce or to restrict evidence, the hearing that is mandated by the Classified Information Procedures Act.

Which after so many months of submitting the updated and perfected and amended notices and responses and related

1 motions and the evidentiary proffers that I most recently  
2 received from the defense, I think we are at the point or at  
3 least that is what it seems on its face to have the mandated  
4 hearing to determine the admissibility of the contested  
5 evidence.

6 So I have received the proffers from the defense.  
7 And, of course, I had received the Government's brief and  
8 position before the last hearing that we had that had to be  
9 continued until today.

10 But, otherwise, are y'all ready to proceed?

11 MR. PHILLIPS: Yes, Your Honor.

12 MR. GILLEN: Yes, Your Honor.

13 THE COURT: All right. Anything that we should take  
14 up before we go on the classified record?

15 MR. PHILLIPS: I don't think so, Your Honor.

16 MR. GILLEN: Nor do I, Your Honor.

17 THE COURT: I think there is some housekeeping things  
18 that I'll talk about maybe after we conclude. But why don't we  
19 then turn to the classified record at this point.

20 **(These proceedings were thereby adjourned.)**

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## C E R T I F I C A T E

UNITED STATES OF AMERICA

NORTHERN DISTRICT OF GEORGIA

I, SHANNON R. WELCH, RMR, CRR, Official Court Reporter of the United States District Court, for the Northern District of Georgia, Atlanta Division, do hereby certify that the foregoing 3 pages constitute a true transcript of proceedings had before the said Court, held in the City of Atlanta, Georgia, in the matter therein stated.

In testimony whereof, I hereunto set my hand on this, the 30th day of January, 2019.

*Shannon R. Welch*

SHANNON R. WELCH, RMR, CRR  
OFFICIAL COURT REPORTER  
UNITED STATES DISTRICT COURT

UNITED STATES DISTRICT COURT  
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